

Message Text

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ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 CU-02 BIB-01 SSO-00 NSCE-00

ERDE-00 NRC-05 STR-04 EB-07 COME-00 CIEP-01 USIE-00

ERDA-05 CIAE-00 H-02 INR-07 L-03 NSAE-00 OIC-02

OMB-01 PA-01 PM-03 PRS-01 SAJ-01 SAM-01 SP-02 SS-15

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TO SECSTATE WASHDC IMMEDIATE 4147

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FOR EUR/RPM

EO 11652: N/A

TAGS: CSCE, PFOR, XG, EGEN

SUBJ: CSCE: BASKET II SAFEGUARDS

REFS: A. GENEVA 4491, B. STATE 141054

1. COMMERCIAL EXCHANGES SUBCOMMITTEE HAS NOT BEEN ABLE TO REGISTER SAFEGUARDS TEXT OWING TO EC INABILITY TO ACCEPT ROMANIAN-PROPOSED " AS IT IS UNDERSTOOD IN INTERNATIONAL AGREEMENTS" IN TEXT QUOTED REF (A). AT SAME TIME, OTHER DELS CONSIDER US LARGELY RESPONSIBLE FOR IMPASSE SINCE DIFFICULTY ARISES FROM OUR INSISTENCE ON INCLUDING A REFERENCE TO MARKET DISRUPTION.

2. IN SPECIAL MEETING CALLED SATURDAY, JUNE 28, SEVERAL ALTERNATIVES WERE DISCUSSED, INCLUDING US-PROPOSED "AND, AS MAY BE PROVIDED FOR IN PARTICULAR SITUATIONS, MARKET DISRUPTION" TO REPLACE" AND, SHOULD THE SITUATION ARISE, MARKET DISRUPTION AS IT IS UNDERSTOOD IN INTERNATIONAL AGREEMENTS". THIS STILL
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NTO ACCEPTABLE TO FRG OR KAWAN OF EC.

3. KAWAN THEN PROPOSED FOLLOWING TEXT: "CONSIDER, IN THE SPIRIT OF THEIR INTERNATIONAL COMMITMENTS, THAT THEIR TRADE IN VARIOUS PRODUCTS SHOULD BE CONDUCTED IN SUCH A WAY AS NOT TO CAUSE OR THREATEN TO CAUSE SERIOUS INJURY-AND, SHOULD THE SITUATION ARISE, MARKET DISRUPTION-IN/TO DOMESTIC MARKETS FOR THESE PRODUCTS, AND IN PARTICULAR TO THE DETRIMENTETC."

4. NEITHER KAWAN NOR ROMANIAN DEL EXPECIALLY HAPPY WITH THIS COMPROMISE ATTEMPT BUT IT WILL BE DISCUSSED FURTHER JULY 1 AND WE REQUEST DEPT GUIDANCE BY THAT DATE.

5. COMMENT: ISSUE IS THAT (A) US WANTS REFERENCE TO MARKET DISRUPTION; (B) NEITHER US NOR EC WANTS REFERENCE WHICH RESTRICTS RESORT TO MARKET DISRUPTION PROCEUDRE ONLY TO INSTANCES COVERED BY INTERNATIONAL AGREEMENTS; (C) ROMANIA CANNOT OPEN ITSELF TO MARKET DISRUPTION CONCEPT UNLESS REFERENCE MADE TO INTERNATIONA AGREEMENTS. WE BELIEVE ANY OF THREE ALTERNATIVES, I.E. ROMANIAN LANGUAGE PARA 1 ABOVE, US PROPOSAL PARA 2 AND KAWAN PROPOSAL PARA 3, IS SUFFICIANETLY AMBIGUOUS TO COVER THESE CONTRADICTORY OBJECTIVES.

6. CONCERNING " IN DOMESTIC MARKETS" (REF B) THIS STILL IN BRACKETS BECAUSE CANADA PREFERS "TO DOMESTIC MARKETS." WE ASSUME DEPT POSITION BASED ON DESIRE TO RETAIN REGIONAL MARKET CONCEPT. CANADA SAYS IF THIS IS CASE, FACT THAT MARKETS IS IN PLURAL PROTECTS US. CANADIAN DEL HAS ASKED FOR FURTHER INSTRUCTIONS ON THIS POINT BUT WOULD BE HELPFUL TO HAVE ADDITIONAL GUIDANCE AND JUSTIFICATION.

7. REQUEST GUIDANCE BY OPENING OF BUSINESS JULY 1.
DALE

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